RECENT CASES

ATTORNEY AND CLIENT—AUTHORITY OF ATTORNEY—PRESUMPTION.—MILLER V. CONTINENTAL ASSN. CO. OF AM., 134 S. W., 1003 (Mo.). *Held,* that where a duly licensed and practicing attorney appears in a court of record as the representative of a party, there is a strong presumption that he is authorized so to appear, and he may not in general be required to establish his authority to do so, except at the instance of the court or his client.

Although it is necessary that an attorney be specially authorized to act for a client, his position as an officer of the court makes it unnecessary for him in the ordinary case, to show his authority in any way, there being a firmly established presumption in favor of it. *Osborn v. United States,* 9 Wheat., 738; *Hill v. Mendenhall,* 21 Wall., 453. In spite of this favorable presumption, however, there is a well recognized discretion in the court to call for proof of an attorney's authority when it sees fit. *King of Spain v. Oliver,* 14 Fed., Case No. 7814; *New York v. Purdy,* 36 Barb. (N. Y.), 266. Moreover, either party may question an attorney's authority to represent his alleged client. *People v. Mariposa Co.,* 39 Cal., 683; *Hess v. Cole,* 23 N. J. L., 116. But his authority to appear can not be controverted on the trial by evidence outside the issues in the case. *Ind. Bloomington & Western Ry. v. Maddy,* 103 Ind., 200. Furthermore the application for the plaintiff's attorney to show authority should be made before plea is filed. *Reece v. Reece,* 66 N. C., 377; *Campbell v. Galbreath,* 5 Watts (Pa.), 423. But the defendant's attorney may be required to show his authority even after he has filed a plea, at the request of the plaintiff. *Blood v. Westbrook,* 50 Mich., 443. Again, pleading the general issue seems to be a waiver of all objections to attorney's authority. *Lucus v. Georgia Bank,* 2 Stew. (Ala.), 147. And by a well settled rule, the question of an attorney's authority to represent an alleged client can not, it is held, be raised collaterally. *Pressly v. Lamb,* 105 Ind., 171. Or upon demurrer. *Gibson v. State,* 59 Miss., 341. Nor should it be set up in a pleading. *North Brunswick Tp. v. Booream,* 10 N. J. L., 257. But must be raised on motion directly for that purpose and supported by affidavits. *Williams v. Butler,* 35 Ill., 544.

AUTOMOBILES—INJURY FROM AUTOMOBILE USED BY BORROWER—OWNER'S LIABILITY.—HARTLEY V. MILLER, 130 N. W., 336 (MICH.),—*Held,* that, in the absence of statutory provision, an owner of an automobile is not liable for personal injury caused by a borrower's negligence, on the theory that an automobile is a dangerous instrumentality, though the owner was in the car at the time; the borrower being in control.

The owner of a vehicle is not liable for an injury caused by the negligent driving of a borrower, if it was not used at the time of the injury in the business of the owner. *Doran v. Thomsen,* 74 N. J. L., 445. Nor is the owner of an automobile liable for injuries caused by the car when